

EXHIBIT B

Tim Cook tells Apple employees he's 'looking forward to moving forward' after Epic ruling

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Adi Robertson, Zoe Schiffer

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Apple CEO Tim Cook told employees that he was “looking forward to moving forward” after a verdict in the *Epic v. Apple* antitrust case. In an all-hands meeting with employees, Cook echoed the line Apple has taken publicly on the case, celebrating the company’s legal wins and downplaying its loss on an unfair competition claim.

“If you sort of back up and remember what the App Store is about, the App Store was built to be a trusted place for users so they could go explore and discover apps. It was meant to be a great business opportunity for developers,” Cook told employees, according to a recording of the meeting obtained by *The Verge*. “Epic came along and wanted basically to be handled in a special way. Our rules are that we treat everyone the same. They ask us repeatedly to treat them different, we said no, and they sued us on 10 different items. The court ruled nine of those in favor of Apple and one in favor of Epic. Most importantly, they ruled that Apple is not a monopoly, which we’ve always known. Apple is in a fiercely competitive market.”

Epic CEO Tim Sweeney asked Apple last year to let it include alternate payment methods in its iOS version of the game *Fortnite*. However, Sweeney said that Epic “hope[d] that Apple will also make these options equally available to all iOS developers.”

Contrary to Cook's statement that "we treat everyone the same," Apple has provided special treatment to a variety of app developers in the past. It offered Netflix a special deal where it took just a 15 percent cut of subscriptions sold inside the app, and weighed offering special perks to Netflix if the streaming video company would maintain support for in-app purchases. The company also carved out categories of apps that can bypass its commission for in-app purchases, and blocked or decided not to feature apps it seemingly feared might compete. You can see examples of special treatment for particular developers in our collection of unearthed emails from the *Epic v. Apple* trial.

Cook is correct, however, that a California judge ruled Apple didn't have a monopoly in digital gaming transactions — the relevant market in *Epic v. Apple*. The company successfully avoided Epic's demands that it open up iOS to third-party app stores and sideloaded apps, and the court said Apple was justified in collecting a commission on digital goods.

Cook didn't confirm whether Apple planned to appeal its one loss: the verdict that Apple's anti-steering rules (which restrict developers from telling users about alternate payment options) violate California's Unfair Competition Law. The ruling orders Apple to abandon the rules by December. Meanwhile, Epic has indicated that it plans to appeal its own losses.

But like Apple spokespeople have done publicly, Cook suggested he wasn't overly worried. "I think the ruling will be very good to try to put some of the discussions to rest on the App Store. In terms of the one we lost, there were one or two sentences scratched out of an agreement, that was the extent of it. I'm sort of looking forward to moving forward now," Cook said.